

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, SEPTEMBER 19, 2013 AT 3:00 P.M.
1ST FLOOR COMMISSION CHAMBERS
CITY HALL

Cumulative
Attendance
10/12 through
9/13

Board Members

	Attendance	Present	Absent
Michael Weymouth, Chair	P	10	1
Joe Holland, Vice Chair	P	9	2
John Barranco	A	8	3
Joe Crognale	P	9	1
Pat Hale	P	10	1
Thornie Jarrett	P	10	1
Don Larson	P	10	1
John Phillips	A	7	4
B. George Walker	A	7	4

City Staff

Lori Grossfeld, Board Secretary
Chris Augustin, Chief Building Official
John Gossman, Code Enforcement Supervisor
Bridget Patterson, Administrative Aide
Gerry Smilen, Building Inspector
George Oliva, Building Inspector
Ginger Wald, Assistant City Attorney
Cynthia Everett, Fort Lauderdale City Attorney
Jamie Opperee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE07061056: Enrique Senior, contractor; Edmund Waterman, owner

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<u>Case Number</u>	<u>Respondent</u>	
1. CE07061056	EDMUND WATERMAN	<u>3</u>
	627 N FEDERAL HWY	
Disposition:	Complied and closed.	
2. CE12011110	RODERICK D. BARNES	<u>7</u>
	211 CAROLINA AVE	
Disposition:	The Board found that the violations exist as alleged and ordered the property owner to repair or demolish the structures that have been identified by the City inspector as unsafe, to board up and clean the property within thirty days or the City will take such action. Board approved 6-0.	
	Communication to the City Commission	<u>39</u>
	Other Items and Announcements	<u>39</u>
	For the Good of the City	<u>39</u>

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. in the 1st Floor Commission Chambers, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

Approval of meeting minutes

Motion made by Mr. Larson, seconded by Mr. Jarrett, to approve the minutes of the Board's August 2013 meeting. In a voice vote, motion passed 6-0.

1 Ms. Wald introduced Cynthia Everett, the new City
2 Attorney.

3
4 **Cases**

5 1. Case: CE07061056

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6 WATERMAN, EDMUND

7 627 N FEDERAL HWY

8 MS. PATTERSON: First case is on old business,
9 Inspector Gerry Smilen. Case number CE07061056, address is
10 627 North Federal Highway. Owner is Edmund Waterman.

11 Notice was posted at the property on 8/21/13,
12 advertised in the Daily Business Review on 8/30/13 and
13 9/6/13. Certified mail to the owner, signature was illegible
14 8/21/13. Certified mail Edmund Waterman returned. Certified
15 mail Edmund Waterman signed by Kelly Tanelus, 8/21/13 and
16 certified mail to Enrique Senior, signatures illegible,
17 9/9/13.

18 The case was first heard at the 6/21/12 USB
19 hearing, the Board ordered a twenty-eight day continuance to
20 7/19/2012. At the 7/19/2012 hearing, the Board ordered a
21 sixty-three day extension to the 9/20/12 hearing. At the
22 9/20/12 hearing the Board ordered a fifty-six day extension
23 to the 11/15/12 hearing. At the 11/15/12 hearing, the Board
24 ordered a final order to demo.

25 A letter was received 12/27/12 from owner for a

1 motion to reconsider. At the 1/17/13 hearing the Board
2 granted the motion for reconsideration, vacated the final
3 order of 11/15/12 and granted a sixty-three day extension to
4 the 3/21/13 hearing. At the 3/21/13 hearing the Board
5 ordered a fifty-six day extension to the 5/16/13 hearing. At
6 the 5/16/13 hearing the Board ordered a thirty-five day
7 extension to the 6/20/13 hearing. At the 6/20/13 hearing the
8 Board ordered a fifty-six day extension to the 8/15 hearing.
9 At the 8/15/13 hearing, the Board ordered a thirty-five day
10 extension to the 9/19 USB hearing.

11 INSPECTOR SMILEN: Good afternoon Board. Gerry
12 Smilen, Building Inspector for the City of Fort Lauderdale.
13 I'm here to report on the aforementioned case at 627 North
14 Federal Highway. I think we can finally close the book on
15 this particular situation.

16 I did the inspection of the roof joists yesterday
17 personally and everything looked really good except there was
18 one little problem we had where it called for six joists in
19 one area and they had five installed and I was told by Mr.
20 Senior, the owner's representative that this wasn't needed
21 and that an engineer would verify that.

22 And that's the letter that you're looking at right
23 now verifying that only five joists were required. The
24 inspection will be approved and in my opinion --

25 CHAIR WEYMOUTH: Can you put the overhead on for

1 me? I'm sorry Gerry, I don't mean to interrupt you but the
2 overhead's not on. So when you reference the letter --

3 [Inspector Smilen display the engineer's letter on
4 the Elmo]

5 MR. JARRETT: They have it but we don't.

6 MS. HALE: Yes, right here.

7 MR. JARRETT: Yes, they have it but we don't.

8 MS. WALD: Some of these have not been working,
9 we've had problems this morning [inaudible]

10 MS. HALE: Do you want to [inaudible] this one?

11 MR. HOLLAND: Change channels, 101.

12 MR. WEYMOUTH: I was just going to ask them to come
13 back next month when we. Now it's gone, why don't you put it
14 back up young lady. Oh! Never mind, all right.

15 INSPECTOR SMILEN: Anyway, in my opinion this
16 building is not unsafe anymore. I believe that the owner has
17 gone through all the proper procedures and has accomplished
18 the necessary work to bring this building up to date. And
19 that's where the City stands at this time.

20 CHAIR WEYMOUTH: Okay. Is there any Board action
21 required? I'm assuming not.

22 MS. WALD: Ginger Wald, Assistant City Attorney, as
23 per the testimony of Inspector Smilen, if all the violations
24 have been complied as he has stated, the Board does not have
25 to take any action, the matter will be closed since it all

1 has been complied. We've been here a lot, I didn't know if
2 you wanted to actually speak with the gentlemen in regards to
3 this matter but they are here today.

4 CHAIR WEYMOUTH: If they would what? I'm sorry.

5 MS. WALD: If you wanted to actually ask him any
6 questions before this case closes out.

7 CHAIR WEYMOUTH: I was going to bid them adieu, but
8 I did that a month ago and they're back, so I'm not going to
9 do it now.

10 MS. WALD: They felt like they needed to come back.

11 CHAIR WEYMOUTH: Thank you for being persistent.
12 It's been a long drawn out, which leads me to one thing
13 before we go on to the next case. As we read into evidence
14 all of the -- whoops, sorry folks -- as we read into the
15 minutes the, all the previous hearings, is there way to
16 dispense with that? I mean, if it's read in the month
17 before, can we not just reference the most current --

18 MS. PATTERSON: Violations and --

19 CHAIR WEYMOUTH: Huh?

20 MS. PATTERSON: Yes, violations and extensions as
21 noted on the agenda.

22 MS. WALD: Yes. The answer's yes.

23 CHAIR WEYMOUTH: Okay. I know this is a self-
24 imposed pain and suffering but to save her a lot of air time
25 so to speak. But anyway, so this case is dispensed,

1 gentlemen good luck to you.

2 MR. HOLLAND: Thank you, good luck.

3 CHAIR WEYMOUTH: Thanks for coming. You want to
4 sit and listen to the next one -- just -- all right.

5

6 **2. Case: CE12011110**

INDEX

7 **BARNES, RODERICK D**

8 **211 CAROLINA AVE**

9 MS. PATTERSON: Next case, the inspector is George
10 Oliva Case CE12011110, 211 Carolina Avenue, owner is Roderick
11 D. Barnes. Notice was posted at the property 8/23/13
12 advertised in the Daily Business Review on 8/30/13 and
13 9/6/13.

14 Certified mail to the owner returned unclaimed.
15 Certified mail to Patricia Barnes, unclaimed. Certified mail
16 to the Bank of New York, signature illegible on 8/26/13.
17 Certified mail to Greenspoon Marder PA, signature illegible
18 8/21/13. And certified mail to tenant in possession was
19 returned. Violations as noted in the agenda.

20 CHAIR WEYMOUTH: Thank you. Good afternoon
21 Inspector.

22 INSPECTOR OLIVA: Good afternoon Board. George
23 Oliva, Building Inspector for the City.

24 MR. LARSON: George, George.

25 INSPECTOR OLIVA: George Oliva, Building Inspector

1 for the City with Case number CE12011110. This case was
2 opened on January 13, 2012 following a complaint from Fort
3 Lauderdale Police Department and the homeowner association on
4 Melrose Place.

5 The following picture were taken by the SRT
6 Detective Jorge Maura and myself. And I would like to submit
7 them into the records.

8 [Inspector Oliva displayed photos of the property]

9 It's coming. I'm going to submit a copy of the NOV
10 describing all the violations. The pictures are showing the
11 front of the property. Those are trash that's been all over
12 the backyard of the property that's the illegal addition that
13 was done to the property, that's the roof deck which has an
14 attached wood deck in the back that is falling apart
15 completely and has become unsafe.

16 That's another view of the rear of the property
17 where you can see it's completely deteriorated. That's a
18 close look to the rafters where the roof used to be there.
19 That's a tie beam that was built and that part of the
20 property was done with no permit, including the wood deck and
21 the enclosure of the screen room or Florida room.

22 That's a view into the inside of the property.
23 That's one of the windows that were being replaced at the
24 time and they blocked it in, that's another window that was
25 replaced. That's another window also that was replaced. All

1 that was done on the back of the property where the Florida
2 room used to be.

3 That's looking inside the property where you can
4 see it's completely vacated, there's no one living there. It
5 was completely wide open when we got there. That's where the
6 garage door used to be. They did some type of an enclosure
7 to it and they had the garage converted into an apartment or
8 efficiency unit and they had it for rent.

9 That's looking inside the property from the garage
10 into the back of the property. That's another window that
11 was replaced on the front. And that's inside the property
12 where you can see the open and part of the garage that was
13 completely vandalized by people going inside trying to steal
14 the copper pipes and the wires. And that's inside the garage
15 where the apartment was convert. And I can't even see what
16 that is in there I'm sorry.

17 This is inside the garage where they built a
18 bathroom and you can see the electrical panel right next to
19 the shower and on top of the sink which that has to be
20 unsafe. That's a beam. If we can go back to the previous
21 picture you could see that they made like a wood beam and a
22 column supporting the wood beam and the column is already
23 giving away from the wall where was attached, and that's
24 creating that part of the roof it's going to start to give in
25 into the living part of the property.

1 And that's the addition that was done without
2 permit. And once again I want to remind the Board that any
3 work that is done without permits Florida Building Code
4 116.1.2 is deemed to be unsafe.

5 And that's inside the kitchen area where somebody
6 steal the cabinet or the cabinets were removed and there's
7 trash, garbage everywhere. They removed everything in the
8 bathroom trying to steal the copper. And the way this
9 property is staying right now it's completely open to anybody
10 that would go inside and -- let me put it this way, this
11 could become a fire hazard in the area because there's people
12 sleeping inside the property, then trying to do some cooking
13 inside the property and this is becoming to be a fire hazard
14 for the neighborhood. They keep complaining about it.

15 So we're asking the Board to find for the City that
16 this property is open and in disrepair and it has become
17 unsafe and to order the owner of the building to have the
18 necessary repairs to the structure done or to remove all the
19 unsafe violations in the next thirty days.

20 CHAIR WEYMOUTH: Thank you Inspector. Any
21 questions for the Inspector?

22 MR. CROGNALE: Yes, I have a question for --

23 MR. WEYMOUTH: George?

24 INSPECTOR OLIVA: Sure.

25 MR. CROGNALE: George. George, humor me, how long

1 did it take you to walk around and find out that that was an
2 unsafe structure?

3 INSPECTOR OLIVA: Ah, we've been there a few times
4 believe me. We were trying to see how we could approach this
5 property and we finally decided to bring it to the Unsafe
6 Structure Board.

7 MR. CROGNALE: And there are people living there?

8 INSPECTOR OLIVA: I spoke with the owner, he said
9 he left the house go back to the bank, that the bank should
10 be responsible for, but Broward County still had that
11 property under his name and I haven't been able to verify any
12 foreclosure and right now the way the property is, believe it
13 or not, has a realtor and it's being offered for sale. It's
14 on the market.

15 MR. CROGNALE: The bank owns it?

16 INSPECTOR OLIVA: I don't know who's selling the
17 house. I don't know if it's the owner because the owner said
18 he gave it to the bank, but nobody from the bank has ever
19 called me so, I don't know.

20 MS. HALE: Ginger, you're shaking your head.

21 INSPECTOR OLIVA: We don't know who's really
22 selling the property but -- I think Ginger knows.

23 CHAIR WEYMOUTH: Thornie.

24 MR. JARRETT: George, the addition --

25 INSPECTOR OLIVA: Right.

1 MR. JARRETT: -- from the pictures has obviously
2 not been done in a proper way.

3 INSPECTOR OLIVA: Right.

4 MR. JARRETT: There's no doubt about it. Without
5 permits and so on it's an unsafe structure. Is the City of
6 the opinion that the basic structure is also an unsafe
7 structure?

8 INSPECTOR OLIVA: Not the main property, but the
9 additions are. And the enclosure of the garage too, because
10 they did a lot of electrical work inside without permit and
11 that's going to become a fire hazard including that shower
12 with the electrical panel right on top.

13 MR. JARRETT: Oh, that wasn't in the addition.

14 INSPECTOR OLIVA: That's inside the addition which
15 that used to be the utility or the laundry room and it was
16 convert into a bathroom.

17 MR. JARRETT: And have you tried to talk, or you
18 did talk to the owner?

19 INSPECTOR OLIVA: It happened that I spoke to him
20 yesterday. And I explained the situation and I asked him to
21 be today and he refused to come, he say that property was his
22 ex-wife's property that his name happened to be there but the
23 bank took it over.

24 MR. JARRETT: And the City staff is asking for
25 complete demolition of the whole structure.

1 INSPECTOR OLIVA: No, we're asking --

2 MR. JARRETT: No.

3 INSPECTOR OLIVA: -- for the unsafe part of this
4 property to be either repaired or to remove and make the
5 structure safe again.

6 CHAIR WEYMOUTH: So, is that a matter of boarding
7 up the windows where the windows were replaced and a removal
8 of the structure in the back?

9 INSPECTOR OLIVA: Yes. We have to remove the, and
10 part of the carport that was enclosed.

11 MR. JARRETT: In order to make the structure safe
12 again it would require obtaining an engineer or an architect.
13 It would require a general contractor, an electrical
14 contractor, a plumbing contractor and basically what you just
15 described was a situation, we're in the little window between
16 it's still technically owned by --

17 INSPECTOR OLIVA: The gentleman, right.

18 MR. JARRETT: -- Mr. Roderick and when it's taken
19 over by the bank and then we're going to have a bank attorney
20 in your telling us that they're going to do something and
21 stretch this out for the next two years and do nothing.

22 INSPECTOR OLIVA: Right. Well --

23 CHAIR WEYMOUTH: That's [inaudible]

24 INSPECTOR OLIVA: As you see, this case was opened
25 back in 2012 and I've been trying to get somebody to do the

1 necessary repairs to the structure and nobody has moved
2 forward with that and I'm getting a lot of pressure from the
3 homeowner association on Melrose.

4 MS. HALE: Well, of course, it's awful.

5 MR. JARRETT: So you're asking the Board to order
6 it to be boarded up and cleaned up.

7 INSPECTOR OLIVA: And to remove the unsafe --

8 CHAIR WEYMOUTH: Partial demolition and a board-up.

9 INSPECTOR OLIVA: Right. The unsafe part that
10 needs to be either removed or get a permit and make it safe.

11 MR. JARRETT: The addition.

12 INSPECTOR OLIVA: Right. So they have to repair
13 the --

14 MR. JARRETT: The work that they did and in the --

15 INSPECTOR OLIVA: In the garage and the back
16 addition.

17 MR. JARRETT: And what does the City suggest that
18 we give for this to be done?

19 INSPECTOR OLIVA: I will let Ginger answer that
20 part because she has the necessary answers for that.

21 CHAIR WEYMOUTH: Before, George, hang on, before
22 you excuse yourself, there's, there are a couple more
23 questions.

24 INSPECTOR OLIVA: Sure, go ahead.

25 MS. HALE: George, I don't understand why the house

1 isn't unsafe. It says, this building is wide open, the roof
2 trusses, rafters and deck have suffered substantial damage,
3 now --

4 INSPECTOR OLIVA: On the rear --

5 MS. HALE: -- are those the roof trusses to the
6 house or to this addition?

7 INSPECTOR OLIVA: To the addition.

8 MS. HALE: Oh, okay.

9 INSPECTOR OLIVA: Like I showed you on the
10 pictures, you could see that the beam was getting away from
11 the wall and it was sagging already, the tie beam.

12 MS. HALE: Okay, so it's all in this addition,
13 right, the structure, okay. Fine.

14 INSPECTOR OLIVA: Right, it's on the rear on the
15 carport.

16 MR. HOLLAND: Mr. Chair?

17 CHAIR WEYMOUTH: I'm assuming the utilities to this
18 structure have been --

19 INSPECTOR OLIVA: We asked Florida Power and Light
20 to cut the power off the pole --

21 CHAIR WEYMOUTH: So somebody's still paying the
22 power bill but it's vacant.

23 INSPECTOR OLIVA: Right. And we had it cut off
24 because not only that, they had the meter can jump with two
25 little piece of copper when we got there.

1 CHAIR WEYMOUTH: Mr. Larson?

2 MR. LARSON: Supposing we do what the City has
3 asked us to do, and only give a partial demo and I'm going to
4 cut the thing down real close to a partial demolition, I
5 don't know what needs to be done and cleaned up. What
6 happens if it doesn't get done which I personally don't think
7 it will be done because nothing's been done by now. And I
8 personally am not in favor of extending it.

9 If we put a demolition on it, if the bank owns it,
10 then they're going to step up, and going to have to do
11 something contact, otherwise it's going to come down. It's
12 going to force the bank to step in and do something. Then
13 we'll know we've got something to deal with. Otherwise,
14 dealing with this gentleman nothing's going to happen.

15 CHAIR WEYMOUTH: Well, actually that's a precursor
16 to a question I was going to ask after the case. But where
17 are we at, are we actively demolishing buildings right now?
18 I know that we're just coming out of budget so we're going to
19 budgets and one thing or another I mean, are there active
20 demolitions going on within the City that we have ordered?

21 INSPECTOR OLIVA: So far, what I know is that we
22 hire the contractor to begin demolish the properties. And I
23 was part of the committee that we pick the --

24 CHAIR WEYMOUTH: From demolition orders from how
25 long ago?

1 INSPECTOR OLIVA: So far we're going to go all the
2 way back to 2009, which I have a few properties waiting on
3 line to be demolish.

4 CHAIR WEYMOUTH: So, orders that we've granted in
5 the last year aren't even on the radar yet, okay.

6 INSPECTOR OLIVA: And John Gossman was part of that
7 committee also when we pick the contractor.

8 CHAIR WEYMOUTH: Any other questions of the
9 Inspector before I guess we're going to hear from Ms. Wald?
10 Okay.

11 MS. WALD: Okay Ms. Hale, I'm going to answer some
12 of your questions first. Ginger Wald, Assistant City
13 Attorney. Number one, as to the foreclosure, this property
14 is technically, legally still owned by Roderick Barnes.
15 There was a Mrs. Barnes at one time and --

16 MS. HALE: He didn't like her though. [inaudible]

17 MS. WALD: And Mrs. Patricia Barnes back in May 31,
18 2007 did a quick claim deed to Mr. Barnes so Mr. Barnes owns
19 the property outright.

20 MS. HALE: Ah.

21 MS. WALD: There is a foreclosure case that's
22 pending and it's been pending since 2008, went through a
23 bunch of different things and they are basically sitting on
24 it and the bank is not moving.

25 Notice, of course, through the title work that we

1 did was sent out to Mr. Barnes, was sent out to Bank of New
2 York, was out to their attorneys Greenspoon Marder that were
3 representing them in the foreclosure action and as far as I
4 can tell, still representing them in the foreclosure action.
5 So I hope that answers those questions.

6 MS. HALE: Is this a bank that is extremely slow in
7 reacting? Some react faster.

8 MS. WALD: You mean, my opinion? Yes.

9 MS. HALE: Yes. Well, I mean, you see so many of
10 them coming through.

11 MS. WALD: Yes.

12 MS. HALE: I was just curious. This isn't unusual
13 then.

14 MS. WALD: For them? No.

15 CHAIR WEYMOUTH: They react as quickly as our
16 demolition crews. Mr. Larson?

17 MR. LARSON: This is what I was referring to. This
18 is what's going to happen and the bank is not interested in
19 it now and if they're not going to step up and do something
20 then I don't, I think we owe it to the community to clean
21 this thing up and get it cleaned up and take it out and make
22 it safe for the community. They don't need to be put up with
23 this. They've asked for our help and at this point, I think
24 we should step forward as a Board and to have it demolished
25 and move forward.

1 MS. WALD: And I -- well, -- can I --

2 CHAIR WEYMOUTH: Would you like to make a motion?

3 MR. HOLLAND: I, on, I think, I agree with you as
4 long as it's partial, select demolition of the extension.

5 MR. LARSON: I will vote for partial. It's going
6 to all or nothing, so.

7 MS. WALD: One other thing.

8 CHAIR WEYMOUTH: Okay.

9 MS. WALD: And it was alluded to, and I apologize,
10 I can't remember if it was Mr. Crognale or if it was one of
11 the others, but it was a question that was somewhat directed
12 to the Inspector and he said to direct it to me.

13 Under the code -- and I believe he read this
14 section -- under 116.1.3 Unsafe buildings or structures shall
15 be either demolished and removed from the premises concerned
16 or made safe, sanitary and secure in a manner required by the
17 Building Official and as provided in this chapter, provided
18 that where replacement, repair, alteration or demolition is
19 required, buildings or structures within the purview of the
20 applicable minimum housing code, the provisions of such code
21 shall be complied with and control.

22 Second part of this, second part of this matter,
23 and again, it wasn't specifically stated by the Inspector,
24 but you did not hear him testify as to the valuation portion
25 of the property. This case is a little different, as he was

1 saying, is even though it was brought to the Unsafe Structure
2 Board it does not meet the fifty percent valuation.

3 And the reason, and because it does not meet the
4 fifty percent valuation as we have had in a prior case that
5 has been lost by the City of Fort Lauderdale, the City is not
6 recommending demolition in this matter and is making the
7 recommendation, and is what was originally ordered by the
8 Building Official and as part of the NOV as to the, being the
9 repairs, the replacement and removing the unsafe portion of
10 it that is a threat to life, health and safety.

11 And that kind of falls under the part of cleaning
12 out the debris, boarding up the property, making that portion
13 of the property safe. If there are portions of the property
14 that are also, as you've already heard the testimony, that
15 were unsafe, that can be, at a minimum, removed as to a
16 demolition that's not going to affect the structure itself
17 and cause more problems, then obviously that can be done too.
18 And I believe that was the testimony that was provided by the
19 Inspector in that regard.

20 And then with the valuation criteria -- just so I
21 read it on the record -- under 116.2.2.1, if the cost of the
22 completion and alteration repair doesn't meet the fifty
23 percent value, such building or structure may be repaired and
24 made safe as provided by the Florida Building Code existing
25 building. And that is why that was, the recommendation that

1 was made by the City in this matter and had made the request
2 to you is to get the order was not for a demolition of the
3 entire structure, but was for those limited purposes for the
4 repair. So I hope that kind of answers --

5 MR. LARSON: You did. That was going to be my,
6 where would be on the demolition, are we at fifty-one percent
7 or fifty-two percent or forty percent?

8 MS. WALD: It -- yes, good.

9 MR. LARSON: And you've answered my question. So
10 we can't actually demolish it because of the --

11 MS. WALD: Cannot demolish the --

12 MR. LARSON: Then I'll go along with the other. I
13 don't like it.

14 MS. WALD: Okay. Any other, any other questions?

15 MR. JARRETT: I have a question for --

16 MS. WALD: Who's going to pay for the boarding up
17 of it?

18 MS. WALD: Okay, one second. Who gets, whose
19 question's first? Okay.

20 CHAIR WEYMOUTH: Mr. Jarrett was next so, Thornie?

21 MR. JARRETT: Actually, that was the question I was
22 going to ask.

23 MS. WALD: Okay.

24 MS. WALD: Okay, well, first of all --

25 MR. JARRETT: So I've got you covered.

1 MS. WALD: Again, my recommendation, to answer the
2 question of both of you gentlemen would be that the property
3 owner be ordered to do so. The property owner -- and you can
4 do a shorter period of time than thirty days which we've
5 discussed before -- if the property owner fails to do so then
6 you can order the City to do so and then the City can go
7 ahead and do that. It's different funding for the City to do
8 board-ups and to, and cleaning up lots, just so you know,
9 it's not the same type of funding as it is for demolition.

10 MR. JARRETT: So we could move ahead with if the
11 owner, and, which I kind of get the opinion that the owner is
12 not going to respond to this, and so we're giving the City
13 authority to go in there and clean it up --

14 MS. WALD: Yes.

15 MR. JARRETT: -- board it up, and then the cost can
16 be recovered by a lien on the property --

17 MS. WALD: Correct.

18 MR. JARRETT: -- to the taxpayers. Okay.

19 MS. WALD: Correct. Like we lien in all other
20 cases.

21 MR. JARRETT: I see.

22 CHAIR WEYMOUTH: Mr. Crognale?

23 MS. WALD: Mr. Crognale?

24 MR. CROGNALE: Yes, what troubles me is this has
25 happened before in other cases that we're, our hands are

1 tied, we're in a no man's land, it's neither fish nor fowl.

2 MS. WALD: Um-hm [affirmative]

3 MR. CROGNALE: And between the time that a
4 homeowner gives it, throws his hands in the air, a bank
5 finally steps up, we're into a large area timeframe that
6 nobody's responsible.

7 MS. WALD: I agree.

8 MR. CROGNALE: That's what bothers me.

9 MS. WALD: I agree with you; it frustrates me every
10 single day.

11 MR. HOLLAND: Well that's why it's a good thing we
12 have the City as a safety net like in other aspects of civic
13 work where they can catch this, tie it to the lien, the
14 property changes hands and we get reimbursed. I'm
15 comfortable with the City's recommendation, personally

16 MR. CROGNALE: But the neighbors suffer in the
17 meantime.

18 MS. WALD: Unfortunately.

19 MS. HALE: Yes. [inaudible]

20 MS. WALD: The other good thing about the lien from
21 this Board, also remember, is it's a different type of lien
22 as a regular code enforcement lien and it does have priority
23 status so that does make a difference at least from the
24 City's perspective as to recovery of those amounts.

25 CHAIR WEYMOUTH: Okay. Any other questions?

1 Somebody like to make a motion?

2 MR. JARRETT: Who's going to make a complicated
3 motion?

4 MS. HALE: Yes.

5 MR. HOLLAND: I'll try, I'll try. Okay, I move
6 that we find the violations exist as alleged and that we
7 order the property owner to selectively demolish the
8 attachment structure and secure the building under the
9 auspices of the City within thirty days and that we order the
10 City to demolish the similar stated structure should the
11 property owner fail to timely demolish. Such demolition is to
12 be accomplished by a licensed demolition contractor pursuant
13 to a City issued demolition permit.

14 CHAIR WEYMOUTH: Does that fly?

15 MS. HALE: No.

16 MR. HOLLAND: Oh, okay, can I change auspices?

17 MS. WALD: Let me, yes, and in fact, if I can make
18 a recommendation. My recommendation would be -- do you have
19 the NOV up there -- I think it's right in front of you. On
20 the NOV, there should be the to wit, as to what's required to
21 be done which should have been the testimony that was
22 provided by the Inspector. Do you see that? I hope?
23 Because I don't have in front of me.

24 CHAIR WEYMOUTH: Perhaps you can exactly point out
25 some [inaudible]

1 MR. HOLLAND: Okay. Right, the once --

2 MS. WALD: Let me try. Corrective action. He
3 didn't write it, that's why I'm looking.

4 MR. HOLLAND: That's in --

5 MS. WALD: George, [inaudible] what you testified
6 to, what exactly you're looking for as to corrective action
7 and an order from [inaudible]

8 CHAIR WEYMOUTH: I'm going to take a couple notes
9 just --

10 INSPECTOR OLIVA: George Oliva, Building Inspector
11 for the City. Once again, we are asking the Board to find
12 for the City that this property's open and in disrepair and
13 it has become unsafe and to order the owner of the building
14 to have the repairs to the structure and to remove the unsafe
15 violation in the next thirty days. That's what the City is
16 asking.

17 CHAIR WEYMOUTH: And if they don't --

18 INSPECTOR OLIVA: To remove the unsafe parts and
19 put everything back into a secure, safe way.

20 CHAIR WEYMOUTH: Is there additional language in
21 the event that they do not do it, that would being that the
22 City would step in and do what we're asking the owner to do.

23 MS. WALD: Yes. That is something you can move.

24 CHAIR WEYMOUTH: Okay.

25 MS. HALE: Does it help if you add those parts to

1 be demolished that have been built without the necessary
2 permits? Does that --

3 MR. HOLLAND: They're the unsafe portions as
4 defined.

5 MS. HALE: Yes, does that narrow it down to what
6 we're demolishing? That which has no permit.

7 MS. WALD: Yes. The problem that you're going to
8 have -- and I'm going to actually tell the Inspector to
9 provide this because this is more in the auspices of their
10 realm as to the safety of what can be demolished and not be
11 demolished pursuant to this. I think the main thing to as to
12 secure and repair is what we're looking for.

13 They're going to have to make the repairs to the
14 building as stated from the violations that have already been
15 presented. Repairs and additionally to secure the building
16 of the violations of the opening. The third part, which is
17 demolition of the unsafe portions of it as to only what can
18 be done to the building. And so the portion that was
19 constructed without a permit, that extra room --

20 MS. HALE: Right.

21 MS. WALD: -- the problem with that, my
22 understanding is that, that can't be just demolished on its
23 own because it's going to cause more issues --

24 MS. HALE: I thought there was rear porch too.

25 MS. WALD: -- to the structure itself. But that,

1 but that trellis area that you saw --

2 MS. HALE: Yes, whatever you call it, yes, yes.

3 MS. WALD: I'm going to hold a trellis because I
4 don't know what to call it otherwise. Those wooden
5 structures that come out, that, that, my understanding is --

6 MS. HALE: Yes.

7 MS. WALD: -- that would not affect the structural
8 integrity of the building and can be removed, quote, unquote,
9 can be demolished.

10 MS. HALE: Because I would think it could go flying
11 in a great windstorm.

12 INSPECTOR OLIVA: George Oliva, Building Inspector
13 for the City. You see the pictures that I have right there
14 on the screen.

15 MS. HALE: Yes, yes.

16 INSPECTOR OLIVA: The rafters are right below the
17 roof.

18 MR. JARRETT: We're looking at that picture George.

19 INSPECTOR OLIVA: Right, that can be removed and
20 then you're going to have the porch.

21 MR. LARSON: The porch George --

22 INSPECTOR OLIVA: The roof for the porch --

23 MS. HALE: Yes, right, yes.

24 INSPECTOR OLIVA: -- you see in my previous
25 pictures, is below the existing roof and is attaching to the

1 tie beam by a beam that there was placed underneath the
2 rafter.

3 MR. CROGNALE: Mr. Chair?

4 INSPECTOR OLIVA: So everything can be removed and
5 the property can be returned to the original floor plan.

6 MS. HALE: Did we also want to add something about
7 cleaning up, that's to the, as a fourth item.

8 MS. WALD: Yes, that was --

9 MS. HALE: That the property itself must be cleaned
10 up of the debris --

11 MS. WALD: Yes, what --

12 MS. HALE: -- and what have you that's on the
13 ground right now.

14 MS. WALD: One of the, part of the, excuse me, part
15 of the testimony of the Inspector in this matter was the
16 potential for the fire hazard.

17 MS. HALE: Yes.

18 MS. WALD: And I believe he said the unwarranted
19 and the amount of the accumulations.

20 MS. HALE: Right.

21 MS. WALD: That would be part of it too.

22 MS. HALE: Do we have to make that part of this
23 motion?

24 MS. WALD: You can if you want to be that specific
25 but that was also part of his testimony and what he

1 requested.

2 MS. HALE: Okay.

3 MS. WALD: But you can add it; it wouldn't hurt.

4 Yes.

5 CHAIR WEYMOUTH: Just a second Joe, there was a
6 gentleman that was just trying to get in here and I don't
7 know if that may have been the owner or not so I would
8 suggest that --

9 MS. WALD: George, do you want to go out there and
10 see? George knows what the owner, do you know what he looks
11 like?

12 CHAIR WEYMOUTH: -- before we make a motion, just
13 to make sure it's not the owner or the respondent, to see.
14 Mr. Crognale, you had a question?

15 MR. CROGNALE: Yes, could the motion be amended to
16 this point to accept the recommendation of the City who's
17 identified the unsafe portion and that we allow that portion
18 to be demolished as recommended by the City and define it as
19 what's already been established by Mr. Smilen, I mean Mr.
20 Oliva.

21 CHAIR WEYMOUTH: I think Mr. Holland's motion was
22 retracted because it was not stated correctly and he is
23 probably going to make a second attempt at it, so.

24 MS. HALE: Okay.

25 MS. WALD: That's my understanding.

1 CHAIR WEYMOUTH: That's my understanding. But --

2 MS. WALD: Is that correct?

3 MS. HALE: I don't think it's his though.

4 MS. WALD: I don't think it was seconded.

5 CHAIR WEYMOUTH: But before we can make any motions
6 -- was that him?

7 INSPECTOR OLIVA: No, somebody looking where to pay
8 the bill, the water.

9 MR. HOLLAND: Okay.

10 CHAIR WEYMOUTH: Okay. I just wanted to make sure.
11 All right.

12 MR. HOLLAND: I'm still unclear, was the City's
13 recommendation to take the trellis and the illegally enclosed
14 porch as part of the partial demolition?

15 CHAIR WEYMOUTH: I think you have to because if you
16 take the porch out --

17 MS. HALE: [inaudible]

18 INSPECTOR OLIVA: Yes, we need to remove the back
19 part of the house that was done illegally without permit.
20 That includes the wood deck, include the rafter that were
21 done on top of the Florida room that is in disrepair way, and
22 we need to re-open the carport back to its original condition
23 and remove that illegal bathroom from there and fix all the
24 electrical problems in there.

25 MR. HOLLAND: Right. I think rather than worry

1 about getting the entire scope of work into the motion --

2 MS. HALE: Yes.

3 MR. HOLLAND: -- I like what Joe Crognale said
4 about as, the scope of work as recommended herein by the
5 City.

6 MR. CROGNALE: At least it defines what it is. The
7 City's defined it, we're just going to ratify --

8 MR. HOLLAND: Exactly.

9 MR. CROGNALE: -- that we don't step beyond what
10 [inaudible]

11 CHAIR WEYMOUTH: If you retract your motion, I
12 would imagine we could ask Mr. Crognale if he would like to -
13 -

14 MR. HOLLAND: Yes, my motion's retracted.

15 CHAIR WEYMOUTH: Okay.

16 MR. HOLLAND: Joe, take it away.

17 CHAIR WEYMOUTH: Mr. Crognale, would you like to
18 make a motion?

19 MR. CROGNALE: I'd like to make a motion. Let me
20 get my paperwork here. Bear with me.

21 MR. WEYMOUTH: We are.

22 MR. CROGNALE: Lori, I guess you did give me one,
23 huh? Okay here we go. Yes, I'd like to make a motion that
24 we find violations exist as alleged and we order the property
25 owner to demolish the structure within thirty days that have

1 been identified that portion identified by the City
2 inspectors and that such demolition is be accomplished by a
3 licensed demolition contractor pursuant to a City issued
4 demolition permit.

5 MS. HALE: And, want to do the board-up too? And
6 board up the existing structure.

7 MR. CROGNALE: If, was that the recommendation, for
8 the boarding up also, Mr. Oliva?

9 MR. LARSON: Yes.

10 MS. HALE: Yes.

11 MR. HOLLAND: Well that, that's why we're trying to
12 do it, well we don't have a second yet.

13 MS. HALE: No, it has to be all one motion, can't
14 it?

15 CHAIR WEYMOUTH: As far as the motion, they need to
16 safe up the openings that are unsafe.

17 MS. HALE: Yes.

18 MR. JARRETT: and clean up the --

19 MS. HALE: Joe, just go ahead.

20 MR. CROGNALE: And to include the recommended
21 boarding up to make it a safe structure as the City
22 recommends.

23 CHAIR WEYMOUTH: All right, we have a motion. And
24 it's going to stick. Do we have a second?

25 MR. JARRETT: I'll second.

1 CHAIR WEYMOUTH: Motion seconded. Do we have any
2 more conversation?

3 MR. HOLLAND: Yes, the reason I brought up an all-
4 encompassing scope because I think now you left out the
5 cleanup. Are, you know, you --

6 MS. HALE: Do you want to add the cleanup Joe?
7 [inaudible]

8 MR. HOLLAND: The idea was these unsafe conditions
9 as --

10 MS. HALE: Yes, but he's --

11 MR. HOLLAND: -- described by the City. If you
12 want to attempt to --

13 MR. CROGNALE: Which includes the boarding up and
14 the cleanup.

15 MR. HOLLAND: If you want to --

16 MS. HALE: And secure it.

17 CHAIR WEYMOUTH: Friendly amendment?

18 MS. WALD: Friendly amendment: to secure the
19 property including the removal of any unpermitted [inaudible]

20 MR. CROGNALE: Right, that which is identified by
21 the City is unsafe. Including boarding up, including
22 cleaning up and the removal, demolition of the unsafe
23 portion. That's immediate.

24 MS. HALE: Excellent.

25 MR. JARRETT: And I'll re-second the motion.

1 MS. WALD: There we go.

2 CHAIR WEYMOUTH: Before there's all the approvals,
3 do we have to put a timeframe to that or did I not hear, did
4 he call in a timeframe? Is it, is that --

5 INSPECTOR OLIVA: Thirty days.

6 MR. CROGNALE: [inaudible] thirty days.

7 CHAIR WEYMOUTH: -- is there an assumed or implied
8 amount of time?

9 MS. WALD: It's not implied or assumed.

10 CHAIR WEYMOUTH: So he probably needs to give a
11 timeframe of when we're expecting this. So a second friendly
12 amendment is required. These are going to start getting
13 unfriendly pretty soon.

14 MS. WALD: Not this Board.

15 CHAIR WEYMOUTH: Mr. Crognale, would you like to
16 put a timeframe to your amendment, uh, to your motion?

17 MR. CROGNALE: I had thirty days in there did I
18 not?

19 MR. WEYMOUTH: Okay.

20 MS. HALE: Twenty-eight, I think it is, 'til the
21 next meeting.

22 MR. CROGNALE: Say again?

23 CHAIR WEYMOUTH: Well, that's if they were to
24 reappear. If we give them a timeframe, if they don't do it,
25 then the City will step in within that period of time.

1 MS. HALE: Oh.

2 CHAIR WEYMOUTH: So we have thirty days as a
3 friendly amendment would you like to make a friendly second?

4 MR. JARRETT: I'll make, no, this'll be the third
5 second.

6 CHAIR WEYMOUTH: Starting to sound like cousins.

7 MR. CROGNALE: Going to get it right pretty soon.

8 MS. WALD: Okay. Now we can vote.

9 MR. JARRETT: Sounded like [inaudible]

10 CHAIR WEYMOUTH: All right, any additional
11 discussion before we take this to a vote?

12 MS. HALE: Oh Lord no.

13 CHAIR WEYMOUTH: Okay, all in favor say aye.

14 BOARD MEMBERS: Aye.

15 CHAIR WEYMOUTH: Any opposed? Hearing none, motion
16 carries. Thank you.

17 INSPECTOR OLIVA: Thank you Board.

18 CHAIR WEYMOUTH: Next time, don't wait eighteen
19 months to bring us this and it won't be so confusing.

20 INSPECTOR OLIVA: No, I got several more coming in
21 the next two months.

22 CHAIR WEYMOUTH: All right.

23 MS. WALD: As requested by the Board Chairperson,
24 City staff will investigate in regards to how many properties
25 have been demolished by the City based upon your orders in

1 the last year and provide that information to you next month.

2 CHAIR WEYMOUTH: Great.

3 MS. WALD: Would that satisfy the query that was
4 made by the Chair and the rest of the Board?

5 CHAIR WEYMOUTH: Yes, just from a personal
6 standpoint it's difficult to sit here --

7 MS. WALD: You have to do it.

8 CHAIR WEYMOUTH: -- and recommend demolitions. And
9 I understand everybody's limited by budgets and one thing or
10 another, but, you know, to give us a little bit of a sense of
11 accomplishment, so.

12 MS. WALD: I think that's fair.

13 CHAIR WEYMOUTH: By the way, that's a stunning
14 color Hurricane orange that you're wearing.

15 MS. WALD: Well it's, it is Gator orange but it is
16 stunning isn't it?

17 MR. HOLLAND: It faded a little.

18 MS. WALD: You want me to go Gators? You want me
19 to sing the songs too?

20 MS. HALE: Yes.

21 CHAIR WEYMOUTH: Ms. Wald, I believe Mr. Thornton
22 has an additional question for you.

23 MR. HOLLAND: [inaudible]

24 MS. WALD: Yes, of course.

25 MR. JARRETT: Do you think, Ginger, possibly we

1 could just have an addition down here on this?

2 MS. WALD: I don't even know what this is.

3 MR. JARRETT: Oh, I'll tell you what it is.

4 CHAIR WEYMOUTH: Standard operating language.

5 MS. WALD: Oh, sure, I can write you [inaudible]

6 MR. HOLLAND: Yes, um --

7 MR. JARRETT: In case we have this again so that we
8 don't run through this.

9 MS. WALD: You got it.

10 MR. HOLLAND: Yes, Thornie's point's well taken,
11 when we get into partial demolitions --

12 MS. WALD: Yes.

13 MR. HOLLAND: -- it always has gotten a little
14 confusing but it might be better for us up here if there's a
15 blurb that could be inserted in that portion in lieu of
16 demolition.

17 MS. WALD: I would be more than happy to do that
18 for you.

19 MR. HOLLAND: That would be appreciated greatly.

20 MR. LARSON: You can't ask an attorney to give you
21 a little blurb. It don't work.

22 MS. WALD: I'll give the littlest blurb I can
23 possibly imagine.

24 MR. HOLLAND: I think inspection staff can handle
25 this, the experts.

1 MR. CROGNALE: Ginger, one other comment.

2 MS. WALD: Yes sir.

3 MR. CROGNALE: Are we here at the Board, the
4 advisory board, are we put in the position of issuing
5 unfunded liabilities to the City as when we ask for
6 demolition, it's --

7 MR. LARSON: None of our [inaudible]

8 MS. WALD: First of all, you're not an advisory
9 board. So let's start off with that. You are a quasi-
10 judicial board; you're not an advisory board. You take
11 action, that action becomes an order, those orders are
12 recorded.

13 MR. CROGNALE: We cost you money.

14 MS. WALD: Those orders can be appealed.

15 MR. CROGNALE: We cost you money.

16 MS. WALD: Well, we cost a lot of money doing a lot
17 of different things but that is the function of this Board.
18 The function of this Board is to follow our code of
19 ordinances which is based upon the Florida Building Code
20 Broward County amendments and that is your function, that is
21 what you must follow.

22 Whether, the City is the one who decides whether to
23 bring these cases in front of you or not so they supposed to
24 be taking whatever they need to take into consideration prior
25 to we've been coming in here in front of you. So if those

1 are questions that you have, those are questions I think you
2 may want to have as a citizen maybe to the City manager.

3 MR. CROGNALE: So in other words then, when you,
4 the City decides to bring a case before us they understand
5 the responsibility that we may cost them some money.

6 MS. WALD: They should.

7 MR. CROGNALE: [inaudible] Okay.

8 MS. WALD: I do.

9 INDEX

10 **COMMUNICATION TO THE CITY COMMISSION**

11 CHAIR WEYMOUTH: Does anybody have anything for the
12 good of the City to communicate to our Commissioners?
13 Hearing none, I want to welcome the City Attorney one more
14 time, welcome. I think we're going to adjourn this meeting.

15 INDEX

16 **Other Items and Announcements**

17 None.

18 INDEX

19 **FOR THE GOOD OF THE CITY**

20 No discussion.

21 [Meeting concluded at 3:41 pm.]

22 
23 BOARD CLERK

24 
25 MICHAEL WEYMOUTH, CHAIR

[Minutes prepared by: J. Opperee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held September 19, 2013, at 3:00 p.m., City Hall, 100 North Andrews Avenue, 1st Floor Commission Chambers, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 17 day of October, 2013.

PROTOTYPE, INC.


JAMIE OPPERLEE
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 17th day of OCTOBER, 2013.



D.J. GROSSFELD
MY COMMISSION # EE 065058
EXPIRES: April 26, 2015
Bonded Thru Budget Notary Services


NOTARY PUBLIC
State of Florida